

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

JOSE ALEX LOPEZ

Defendant.

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CRIMINAL NO. 4:24-cr-00448

INFORMATION ALLEGING PRIOR SERIOUS DRUG FELONY CONVICTION
(21 U.S.C. § 851)

The United States of America, by and through Nicholas J. Ganjei, United States Attorney for the Southern District of Texas, and Anh-Khoa Tran, Assistant United States Attorney, and Department of Justice Trial Attorney, Amy L. Schwartz, hereby alleges pursuant to 21 U.S.C. § 851(a)(1), that the defendant, **JOSE ALEX LOPEZ, a/k/a “Lito,”** was previously convicted of the following serious drug felony in the 248th District Court, Harris County, Houston, Texas, as reflected in the attached judgment, which is incorporated into this information:

1. Case No.142047001010, Possession with Intent to Deliver Cocaine 4-200 Grams, a 1st Degree felony, with an offense date of March 7, 2014, with judgment entered on August 21, 2014 (Attachment A).

The United States alleges that this prior conviction is “a prior conviction for a serious drug felony,” under 21 U.S.C. § 841(b), which had become final before the defendant committed the acts charged in this Indictment, in Case No. 4:24-cr-00448, and that this conviction enhances the defendant’s sentence upon conviction of the charges listed in Counts One and Two of the Indictment.

With this enhancement, the defendant’s statutory penalties for Count One are increased from a term of not less than 10 years or more than life, and a fine not to exceed \$10,000,000, to a term of not less than 15 years or more than life, and a fine not to exceed \$20,000,000. Supervised

release is increased from at least 5 years to at least 10 years.

With this enhancement, the defendant's statutory penalties for Count Two are increased from a term of not less than 5 years and not more than 40 years, and a fine not to exceed \$5,000,000, to a term of not less than 10 years and not more than life, and a fine not to exceed \$8,000,000. Supervised release is increased from at least 4 years to at least 8 years.

The United States moves that the defendant be ordered to affirm or deny the existence of this conviction as required by 21 U.S.C. § 851(b).

Respectfully Submitted,

NICHOLAS J. GANJEI
United States Attorney

By:



Anh-khoa T. Tran
Assistant United States Attorney
(713) 567-9551



Amy L. Schwartz
Trial Attorney
Violent Crime and Racketeering Section
U.S. Department of Justice



CASE NO. 142047001010
INCIDENT NO./TRN: 9169638160A001

THE STATE OF TEXAS

v.

LOPEZ, JOSE ALEX

STATE ID NO.: TX06402927

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IN THE 248TH DISTRICT

COURT

HARRIS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: **HON. KATHERINE CABANISS** Date Judgment Entered: **08/21/2014**
Attorney for State: **WAKEFIELD, JOHN** Attorney for Defendant: **DOYLE, PAUL HARTY**

Offense for which Defendant Convicted:

POSSESSION WITH INTENT TO DELIVER COCAINE 4-200 GRAMS

Charging Instrument:

INDICTMENT

Statute for Offense:

N/A

Date of Offense:

03/07/2014

Degree of Offense:

1ST DEGREE FELONY

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain:

10 YEARS TDCJPlea to 1st Enhancement Paragraph:**ABANDONED**Plea to 2nd Enhancement/Habitual Paragraph:**ABANDONED**Findings on 1st Enhancement Paragraph:**N/A**Findings on 2nd Enhancement/Habitual Paragraph:**N/A**

Date Sentence Imposed:

08/21/2014

Date Sentence to Commence:

08/21/2014

Punishment and Place of Confinement:

10 YEARS INSTITUTIONAL DIVISION, TDCJ**THIS SENTENCE SHALL RUN CONCURRENTLY.**☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR **N/A**.

Fine:

\$ N/A

Court Costs:

\$ 299.50

Restitution:

\$ N/A

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)**Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62**The age of the victim at the time of the offense was **N/A**.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From **03/07/2014** to **08/21/2014**

From _____ to _____

From _____ to _____

From _____ to _____

Time Credited:

From _____ to _____

From _____ to _____

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in **Harris County, Texas**. The State appeared by her District Attorney**Counsel / Waiver of Counsel (select one)**☒ Defendant appeared in person with Counsel☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the **Harris County District Clerk's office**. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the **Sheriff of Harris County, Texas** on the date the sentence is to commence. Defendant shall be confined in the **Harris County Jail** for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the **Harris County District Clerk's office**. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the **Office of the Harris County District Clerk**. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

APPEAL WAIVED. NO PERMISSION TO APPEAL GRANTED.

Signed and entered on 08/21/2014


KATHERINE CABANISS
JUDGE PRESIDING

Notice of Appeal Filed

Mandate Received: Type of Mandate:

After Mandate Received, Sentence to Begin Date is:

Jail Credit:

Def. Received on at ☐ AM ☐ PM

By: Deputy Sheriff of Harris County



Right Thumbprint

Clerk: M JONES
Case Number: 142047001010
Defendant: LOPEZ, JOSE ALEX

FIN (CAS 20 10): EN/KR04 LCBT: LCBU: EN/KR18



I, Chris Daniel, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this

CHRIS DANIEL, DISTRICT CLERK
HARRIS COUNTY, TEXAS

AUG 21 2014

 Deputy